

Fred W. Schwinn (SBN 225575)  
CONSUMER LAW CENTER, INC.  
12 South First Street, Suite 1014  
San Jose, California 95113-2418  
Telephone Number: (408) 294-6100  
Facsimile Number: (408) 294-6190  
Email Address: fred.schwinn@sjconsumerlaw.com

Attorney for Plaintiff  
SAMUEL KWESI DADJO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SAMUEL KWESI DADJO,  
  
Plaintiff,

v.

ENCORE RECEIVABLE MANAGEMENT,  
INC., a Kansas corporation,  
  
Defendant.

Case No. C07-05856-SC

**MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Date: September 19, 2008  
Time: 10:00 a.m.  
Judge: Honorable Samuel Conti  
Courtroom: 1, 17<sup>th</sup> Floor  
Place: 450 Golden Gate Ave  
San Francisco, California

COMES NOW the Plaintiff, SAMUEL KWESI DADJO, by and through his attorney Fred W. Schwinn of the Consumer Law Center, Inc., and pursuant to Fed. R. Civ. P. 56 and Civil L.R. 7-2, hereby moves this Court for an Order: 1) declaring that Defendant's answering machine messages violate the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692d(6) and 1692e(11); 2) declaring that Defendant's answering machine messages violated the Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code §§ 1788.11(b), and 1788.17; 3) awarding Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A); 4) awarding Plaintiff statutory penalty in an amount not less than \$100 and not exceeding \$1,000 pursuant Cal. Civil Code § 1788.30(b); 5) awarding Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A) as incorporated by Cal. Civil Code § 1788.17; 6) awarding Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.30(c) and 1788.17; and 7) awarding Plaintiff such other and further relief as

1 may be just and proper. In support of his Motion, Plaintiff states as follows:

2 1. No material issues of fact are in dispute concerning Defendant's liability,  
3 therefore, Plaintiff is entitled to partial summary judgment as a matter of law.

4 2. Plaintiff further refers the Court to his Memorandum of Points and Authorities  
5 in Support filed simultaneously herewith.

6  
7 CONSUMER LAW CENTER, INC.

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9 By: /s/ Fred W. Schwinn  
Fred W. Schwinn, Esq.  
Attorney for Plaintiff  
10 SAMUEL KWESI DADJO  
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